UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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SHARI HUTCHINSON,

: CASE NO. 1:08-CV-2966

Plaintiff,

v. : OPINION & ORDER : [Resolving Doc. No. 70]

CUYAHOGA COUNTY BOARD OF COUNTY COMMISSIONERS, et al.,

:

Defendants.

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this sexual orientation discrimination case, Plaintiff Shari Hutchinson moves to compel testimony under Federal Rule of Civil Procedure 30(b)(6) and for sanctions under Federal Rule of Civil Procedure 37. [Doc. 70.]

Hutchinson first challenges the Defendants' designated Rule 30(b)(6) witness on the topic of Hutchinson's placement in and removal from a Program Officer IV position in August and September 2007. Specifically, Hutchinson says the designated Rule 30(b)(6) witness, Joseph Nanni, was unable to testify adequately on this topic and could not authenticate his signature on several documents related to this issue. [Id.] Second, Hutchinson requests that this Court sanction the Defendants for their failure to produce two documents contained in her personnel file; Hutchinson says that the Defendants removed these (and possibly other) documents prior to discovery in this case. [Id.]

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Gwin, J.

At a status conference before this Court on June 9, 2011, the parties resolved both disputes.

As to the unauthenticated documents, the Defendants stipulated that Nanni authorized the documents

to be signed on his behalf although Nanni himself did not sign them. Should Hutchinson wish to

further depose Nanni, she must first request stipulations from the Defendants on the facts to be

gleaned from deposition. Upon submission of those stipulations, if any, the Court will consider

whether Nanni's further deposition is necessary.

As to Hutchinson's requested sanctions, the Defendants say they provided the omitted

documents pursuant to Hutchinson's earlier disclosure request in 2009. The parties agreed that

Hutchinson would review the documents provided in the Defendants' 2009 disclosure. If

Hutchinson cannot locate the two omitted documents, the Defendants must provide them.

IT IS SO ORDERED.

Dated: June 10, 2011

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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